

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

September 13, 2007

Vice Chairman B. Turnquist called the meeting to order at 4:04 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, B. Turnquist, L. Spataro T. Harryman, B. Mazade,
S. Warmington, J. Aslakson

MEMBERS ABSENT: T. Michalski, B. Smith

STAFF PRESENT: L. Anguilm, D. Leafers

OTHERS PRESENT: D. Lamb, 2567 Harding; A. Brown, 2559 Harding; A. Sidock, 2580
Crozier; N. Sidock, 2540 Lincoln; S. McKenzie, 269 Mason; C.
Spyke, 269 Mason; K. Mahone, 3692 Simpson; M. Medendorp, 3700
Simpson

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of August 16, 2007 be approved, was made by S. Warmington, supported by L. Spataro and unanimously approved.

NEW BUSINESS/PUBLIC HEARINGS

J. Aslakson arrived at 4:05 p.m.

Hearing; Case 2007-31: Request to vacate the west 200 feet of the dead end alley in Block 690 of the City of Muskegon Revised Plat of 1903, bounded by Crozier Avenue, Fountain Street, and Harding Avenue, by Joseph Sidock, 2596 Crozier Avenue. L. Anguilm presented the staff report. The applicant is the owner of both 2596 and 2580 Crozier Avenue. These two properties are located at the end of the alley on the south side. The alley ends at the Muskegon Country Club property to the west. None of the homes bordering on this section of the alley need alley access, as they all have driveways off of either Crozier or Harding. Since the east half of the alley is used by adjacent property owners, the request is to vacate only the west 200 feet. Staff has received no public comments on this request and recommends approval.

S. Warmington asked if the alley was accessible from the west end. L. Anguilm stated that it was not. B. Turnquist asked how many houses on Harding were affected. L. Anguilm stated that there were two, but both had driveways off the street.

B. Mazade arrived at 4:08 p.m.

D. Lamb was opposed to the request. He stated that the only access he has to his garage is from the alley. In the winter he plows the alley up to the applicant's property, then the City pushes the snow to the end of the alley. If this portion of the alley is vacated, he'll have nowhere to put the snow. J. Aslakson asked if his house was on the portion of the alley to be vacated. D. Lamb stated that it was not. L. Spataro asked if the snow was from the driveway or alley. D. Lamb stated that it was

from the alley, from Fountain St. to his property line. A. Brown lived at the alley entrance and was also opposed to the request for the same reason. B. Turnquist asked how the vacation of the part of the alley would affect what they are now doing with the snow. L. Anguilm stated that they would not be able to push the snow to the end of the alley. A. Sidock was the son of the applicant and lived next door. He stated that the large piles of snow that get plowed in the alley block access to his garage. He was also concerned about security for his father, being at the end of a dead-end alley. S. Warmington asked what the City policy was on plowing the alleys. B. Mazade explained the policy. T. Harryman asked if there had been any safety or security problems. A. Sidock stated that he hadn't had any yet, however there had been problems with kids riding mini bikes in the alley. S. Warmington asked if they intended to fence off the alley if it was vacated. A. Sidock stated that they did. L. Spataro asked those involved if there had been any thought to trying a mediation service to try and resolve their differences. All stated that they believed it would not help the situation, as this had been an ongoing problem for years. N. Sidock's father was the applicant. N. Sidock stated that his father was only asking to vacate the portion of the alley that bordered his property, not the section behind the Lamb's and Brown's properties. He stated that there were problems with those neighbors working on cars late at night and blocking the alley.

A motion to close the public hearing was made by J. Aslakson, supported by T. Harryman and unanimously approved.

A motion that the vacation of the west 200 feet of the alley located in Block 690, bounded by Crozier Avenue, Fountain Street, and Harding Avenue, be recommended to City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the condition that all utility easements will be retained, was made by J. Aslakson and supported by B. Larson, with discussion continuing on the motion.

B. Mazade stated that he would like to ensure that all residents serviced by the alley agree on a vacation before he would vote to approve it. L. Spataro stated that if the neighbors could agree on the issue, it could be revisited at a later time.

A vote was taken on the above motion, which failed, with B. Larson, B. Turnquist, L. Spataro T. Harryman, B. Mazade, and S. Warmington voting nay.

Hearing Case 2007-35: Request for a Special Land Use Permit, per Section 401 (#6) of Article IV, R-1, Single Family Residential District of the Zoning Ordinance, for a grocery at 248 Mason Avenue by Calvin Walker. L. Anguilm stated that the applicant was unable to attend the meeting due to a death in the family. Board members indicated that they would like to hear from the applicant before making a decision, but they decided to hold the public hearing since there were people in the audience who were there to present their views on the request.

L. Anguilm presented the staff report. The building on this property is presently vacant but has been used as a small grocery in the past. The applicant wishes to operate a small grocery store on the site. The applicant tells staff that he has no plans to include alcohol sales as part of his store. The Zoning Ordinance gives the Planning Commission authority to regulate the sale of alcohol by limiting the type of license the applicant may apply for, hours of operation, and "any other restrictions intended to stabilize, protect and encourage the residential character of the area." The applicant wishes to have store hours from 7 a.m. to 11 p.m. Staff feels these hours may be excessive for a neighborhood setting. See conditions of approval for regulation of alcohol sales and hours of operation. According to the Zoning Ordinance, "Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Permit

for certain uses, including the sale of groceries if the request meets the “intent of the neighborhood Limited Business Zone (B-1)”. All the properties surrounding this site are zoned R-1. The site plan submitted with the application shows adequate parking for the building, as well as a dumpster that will be located on the pavement, which will be screened. The parking lot needs to be striped to show the parking, and the overgrowth removed. Areas of missing pavement need to be repaired. Mrs. Babbitt of 1297 Fifth Street called to say she is opposed to the request. She said that the last time there was a store located on this property, the neighborhood had problems with “drugs, after hours liquor sales, loitering and noise, gambling, and trash from the property blowing all over the neighborhood”. Staff recommends approval of the request with conditions as listed in the staff report.

L. Anguilm read a letter from Commissioner C. Shepherd, who was opposed to the request. L. Spataro concurred with the concerns raised by Commissioner Shepherd but stated that there were some commercial uses that may fit in a residential area. J. Aslakson was also concerned about potential problems in the neighborhood, but wanted to hear what the applicant had to say about how he planned to keep the past problems from recurring. B. Larson was concerned about judging the proposed business based on past history. T. Harryman stated that although this building was designed to serve the neighborhood, it was small, which could make it difficult to make ends meet. He understood the concerns about past problems, but would like to hear the applicant’s business plan. S. McKenzie lived near the store and was opposed to the request. He stated that he had seen two stores come and go, and both were terrible failures. The former stores drew heavy traffic into the neighborhood at late hours, and there were problems with noise, drug dealing, and trash blowing into residents’ yards. He stated that, no matter what the new owner’s intentions were, he would not be able to control the drug dealers, traffic, noise, and garbage. It had taken him two years to get decent neighbors, and he did not want to see his neighborhood go downhill again. C. Spyke stated that when the former store was open, the property values in that area were way down due to the many problems in the neighborhood. She gets home from work late and feared for her safety with all the traffic and drug dealing in the area. She said the building is very small, and didn’t think there was enough room to stock enough groceries to make a profit.

A motion to close the public hearing was made by T. Harryman, supported by B. Mazade and unanimously approved.

A motion to table the request for a Special Land Use Permit to allow a grocery store in an R-1 zoning district at 248 Mason Avenue, until the owner could attend the meeting and explain his project was made by B. Larson, supported by J. Aslakson and unanimously approved.

C. Spyke asked if the area residents would be re-noticed. A motion to re-notice the neighbors for the next meeting was made by L. Spataro, supported by T. Harryman and unanimously approved.

J. Aslakson left at 5:00 p.m.

Hearing: Case 2007-36: Request to vacate a dead end alley in Block 757 bounded by Simpson Avenue, Beach Street, and Watson Avenue, by Kimberly Mahone, 3692 Simpson Avenue. L. Anguilm presented the staff report. The alley that is the subject of this request dead ends off Beach Street, between Simpson and Watson, into a sand dune. The applicant lives in the home located on the second parcel from the east end of the alley. The parcel located farthest to the east on Simpson Avenue is actually located on the sand dune. Although the original request was to vacate the entire alley, it appears there may be some issues with access for some of the neighbors. Several homes on the west end of the alley have garages that face the alley. The neighbor at 3700 Beach has his boat stored in his rear yard, which is a legal place to store recreational vehicles. He has no other place to

park it, as well as no other access to his back yard except off the alley. DPW requires unrestricted access in order to maintain the sewer which is located in the alley. Staff has received no public comments on this request and recommends approval of the request, with the conditions listed in the staff report.

K. Mahone stated that the only portion of the alley that she would like vacated was the small piece behind her house, which was about 106 feet. L. Spataro asked why she wanted to vacate that portion. K. Mahone stated that she had been approached by an adjacent property owner about using the alley to move sand after they leveled out the dune adjacent to her home, and she did not want that to happen. B. Turnquist asked who the garages in the area belonged to. Two audience members indicated that they were the owners, and they had no problem with the vacation request. Another neighbor, M. Medendorp stated that he had no problem with the request.

A motion to close the public hearing was made by B. Larson, supported by B. Mazade and unanimously approved.

L. Spataro asked if the 106 feet to be vacated was located just behind the applicant's property. L. Anguilm stated that it was, and to the east of her. S. Warmington asked if there was still access to the neighboring property without the alley. L. Anguilm stated that there was. B. Mazade stated that he was comfortable with approving the request, as the City would like to vacate alleys whenever possible and there was no opposition from the neighbors.

A motion that the vacation of the east 106 feet of the alley located in Block 757, bounded by Simpson Avenue, Beach Street, and Watson Avenue, be recommended to City Commission for approval, based on compliance with the City's 1997 Master Land Use Plan, with the conditions that 1) all utility easements will be retained, and 2) no fences or any other structures may be erected in the portion of vacated alley in order to allow for unrestricted DPW access, was made by B. Larson, supported by T. Harryman and unanimously approved.

OLD BUSINESS

Case 2007-37: Request for site plan review for a building expansion at 1221 W. Laketon Avenue, by Susan Johnson, Every Woman's Place. L. Anguilm requested to table this case, as the applicant was not ready to present their case yet.

A motion to table this case was made by S. Warmington, supported by T. Harryman and unanimously approved.

OTHER

Public comment regarding case #2007-31 N. Sidock stated that he did not understand why his father's request to vacate a portion of the alley was denied. The alley dead-ends behind his property, no one else uses that section, and they have always maintained it. L. Spataro stated that the only issue he had was that there were neighbors who objected, and the alleys are there to serve all residents. B. Larson stated that he was willing to meet with Mr. Sidock at the alley and report his observations to the City Commission when they make the final decision on the request.

There being no further business, the meeting was adjourned at 5:33 p.m.

dml